

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 29878 of 2007(F)

PETITIONER:

**SRI. AKBAR KHAN, AGED 56 YEARS,
S/O ABDUL MAJEED KHAN,
ANASKAN MANZIL, MANANAKKU,
PERUMKULAM P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.THIRUMALA P.K.MANI

RESPONDENTS:

**CHIEF MANAGER,
SYNDICATE BANK,
KADAKKAVUR BRANCH, KADAKKAVUR,
THIRUVANANTHAPURAM.**

BY ADV. SRI. M.P. ASHOK KUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ANTONY DOMINIC,J.

W.P (C) No. 29878 of 2007

Dated this the 9th October, 2007

J U D G M E N T

The proceedings initiated against the petitioner under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002 is under challenge. On merits the issue is already concluded against the petitioner as there is a civil court decree. That apart, the matter was contested in W.P.(C) No.6856/2006, and that was also dismissed. Apparently realising these limitations, counsel for the writ petitioner seeks instalment facility to pay off the liability.

2. I heard the Standing Counsel for the respondent Bank also who objects to the prayer of the petitioner.

3. Taking into account the submissions made particularly that proceedings in question relates to the residential premises of the petitioner, I dispose of this writ petition directing that 1/4th of the amount due shall be remitted by the petitioner before 1.11.2007. Thereupon, the Bank will inform the petitioner the amount still due from him. The balance amount shall be paid by him in four equal monthly instalments commencing from 1st December, 2007. Subsequent instalments

will be paid on the 1st of every succeeding month.

In the meanwhile, proceedings initiated against the petitioner shall be deferred and in case petitioner commits default in any of the instalments, Bank will be entitled to proceed the matter, without further notice.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007